

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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FREDERICK SPENCE,

Plaintiff,

v.

Case No. 06-C-619

MATTHEW J. FRANK, RICK RAEMISCH,  
JEFFREY P. ENDICOTT, and THOMAS NICKEL,

Defendants.

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**ORDER**

Plaintiff Frederick Spence, a Wisconsin state prisoner, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. He paid the \$350.00 filing fee. The plaintiff is proceeding on claims that the defendants violated his rights under the Equal Protection Clause of the Fourteenth Amendment, the First Amendment, and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1. Before the court is the plaintiff's motion that the court order the United States Marshal to serve the defendants in this case.

On October 6, 2006, the court screened the complaint pursuant to 28 U.S.C. § 1915A and directed the plaintiff to serve the defendants. The plaintiff has made several attempts to do so and the clerk's office has sent him several "service packets" containing instructions on service of process. However, in his recently filed motion, the plaintiff asserts that he "is lacking in understanding of what it takes to 'Properly serve' this packet on the defendant as he assumed he did everything correct on the form the first time and is at a lost [sic] on what he could do different

this time.” (Pl.’s Mot. ¶ 5.) Accordingly, to “avoid any further delay or confusion,” he requests that the court order the United States Marshals Service to serve the defendants. (Pl.’s Mot. ¶ 7.)

“At the plaintiff’s request, the court may order that service be made by a United States marshal or deputy marshal[.]” Fed. R. Civ. P. 4(c)(3). The record reveals that the *pro se* plaintiff has diligently attempted to serve the defendants on his own; however, he has been unsuccessful. Therefore, upon due consideration, the plaintiff’s request for assistance will be granted. The United States Marshals Service will be directed to serve the defendants pursuant to Federal Rule of Civil Procedure 4.

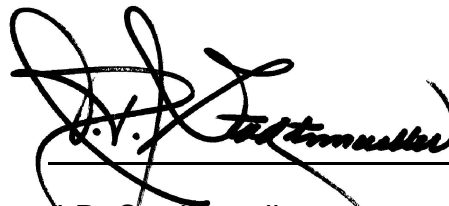
Accordingly,

**IT IS ORDERED** that the plaintiff’s motion for reconsideration (Docket #30) be and the same is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that the United States Marshals Service serve the defendants pursuant to Federal Rule of Civil Procedure 4.

Dated at Milwaukee, Wisconsin, this 22nd day of January, 2008.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge